

U.S. DISTRICT COURT, NORTHERN DISTRICT OF OHIO

Brian Coffey, et al.)	Case No. 1:18-cv-02675
Plaintiff,)	
v.)	Judge Christopher A. Boyko
Buckeye Shaker Square Dev. Corp., et al.,)	
Defendants.)	

NOTICE OF CLASS AND COLLECTIVE ACTION SETTLEMENT

TO: All hourly, non-exempt employees of Buckeye Shaker Square Development Corporation during July or August 2018 (“Potential Opt-Ins” and “Settlement Class Members”).

**TO RECEIVE A FULL SETTLEMENT PAYMENT, YOU MUST
SIGN AND RETURN THE ATTACHED CONSENT FORM BY
[insert 14th day after date of mailing]**

PURPOSE OF THIS NOTICE

This Notice informs you of a proposed collective and class action settlement (“the Settlement”) in which you are entitled to a settlement payment. This notice tells you what you must do to receive a full or partial settlement payment. Alternatively, it tells you how you may exclude yourself from the Settlement Class if you so desire, as well as other rights of class members.

THE ACTIONS AND PROPOSED SETTLEMENT

This action was filed by Plaintiff Brian Coffey on November 18, 2018. Plaintiff alleged that he and other employees were not paid for the grass-cutting, cleanup work, and other manual tasks they performed for Buckeye Shaker Square Development Corporation during July and August 2018, and that funds that would have been available were transferred in violation of the Ohio Fraudulent Transfer Act. Defendants deny those claims. The Court has preliminarily approved a Settlement of claims and ordered this Notice to be sent to Potential Opt-Ins and Settlement Class Members. The Court has no opinion on the merits of the Action.

SETTLEMENT PAYMENTS AND RELEASE OF CLAIMS

Defendants’ total payment of \$19,000, after deduction of a service award, attorneys’ fees, and cost reimbursements, will be distributed as follows. Two-thirds will be paid to all Settlement Class Members in settlement of their state-law claims. The remaining one-third will be paid to Plaintiff and the Opt-Ins (i.e., person who sign and return the attached Consent Form by [insert 14th day after date of mailing]). The Settlement provides a service award of \$750 to Plaintiff Coffey in recognition of his assistance to Plaintiff’s Counsel and his contribution to achieving the Settlement. Attorneys’ fees and expenses will be paid to Plaintiff’s counsel in the amount of \$2,000.

Opt-Ins who sign and return the attached Consent Form by [insert 14th day after date of mailing] will receive a full settlement payment, and release Defendants from all federal claims under the Fair Labor Standards Act and all state-law claims relating to the case.

Settlement Class Members release Defendants from all state-law claims relating to the case.

HOW TO RECEIVE A FULL SETTLEMENT PAYMENT

To receive a full settlement payment as both an Opt-In and a Settlement Class Member, you must sign and return the enclosed "Consent Form" to Plaintiff's counsel by (a) mailing it to Tittle & Perlmutter, 2012 West 25th Street, Suite 716, Cleveland, Ohio 44113, (b) faxing it to (888) 604-9299 or (c) scanning and emailing it to scott@tittlelawfirm.com.

Your signed Consent Form must be postmarked, or received by fax or email, by [insert 14th day after date of mailing].

NO RETALIATION PERMITTED

The law prohibits Defendants and their agents and employees from discharging you or in any manner harassing, discriminating, or retaliating against you for taking part in this Action.

FAIRNESS HEARING, RIGHT TO OBJECT, AND RELATED MATTERS

To determine whether final approval of the Settlement should be granted, the Court will convene a Fairness Hearing at _____ on _____. The Fairness Hearing will be held in Courtroom [insert] of the Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. Class members may object to the Settlement by mailing a statement of objection to Clerk of Court, 801 West Superior Avenue, Cleveland, Ohio 44113, postmarked on or before [insert 14th day after date of mailing], and they may enter an appearance through an attorney if they so desire. **Class members are not required to appear at the Fairness Hearing.**

REQUESTING EXCLUSION AND BINDING EFFECT

The Court will exclude you from the Settlement Class if you so request. Requests for exclusion must be mailed to Clerk of Court, 801 West Superior Avenue, Cleveland, Ohio 44113, postmarked on or before by [insert 14th day after date of mailing]. Members of the Settlement Class who do not request exclusion will be bound by the Settlement and the Court's final judgment in the Action.

PLAINTIFF'S COUNSEL

The attorneys who represent the Plaintiff, Opt-Ins, and Settlement Class are:

Scott D. Perlmutter
2012 West 25th Street, Suite 716
Cleveland, OH 44113
216-308-1522
Fax: 888-604-9299
scott@tittlelawfirm.com

Thomas A. Downie
46 Chagrin Falls Plaza #104
Chagrin Falls, Ohio 44022
(440) 973-9000
tom@chagrinlaw.com

FURTHER INFORMATION

You may contact Plaintiff's Counsel above to review the Settlement Agreement or obtain further information about this Notice or the Action.

PLEASE DO NOT CONTACT THE COURT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN COFFEY)	CASE NO. 1:18-cv-02675
On behalf of himself and all others)	
similarly situated,)	JUDGE CHRISTOPHER A. BOYKO
)	
Plaintiff,)	
v.)	
)	
BUCKEYE SHAKER SQUARE)	
DEVELOPMENT CORPORATION,)	
et al.)	
Defendants.)	

CONSENT FORM AND RELEASE

I hereby consent to become a party in the captioned action for the purpose of accepting the terms of the Settlement Agreement and receiving a full settlement payment. I understand that if the Settlement is approved by the Court, I will be bound by the Court's final judgment approving the Settlement.

I release Defendants Buckeye Shaker Square Development Corporation, John Hopkins, Kenneth Johnson, and Garnell Jamison (and their respective parents, subsidiaries, directors, officers, employees, affiliates, and insurers) from all federal claims under the Fair Labor Standards Act and all state-law claims relating to the facts and circumstances of the actions, as set forth in the Settlement Agreement.

Date

Signature

Printed Name

Street Address

City, State, and Zip Code

Phone Number

Email address